

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STEPHEN CORT KLOEHR,

Petitioner,

v.

**E. SCOTT PRUITT, Oklahoma
Attorney General,**

Respondent.

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Case No. 16-CV-376-JED-PJC

OPINION AND ORDER

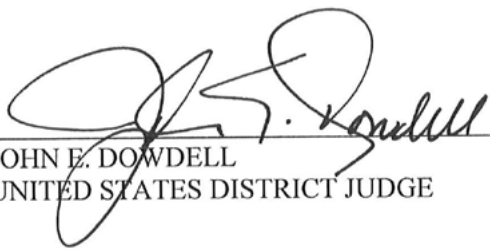
On September 12, 2017, the Court dismissed without prejudice Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 for lack of subject matter jurisdiction (Doc. 25). The dismissal was premised on the Court’s determination that Petitioner was not “in custody” when the petition was filed. The Court also denied Petitioner a certificate of appealability.

On October 4, 2017, Petitioner filed a “Motion to Rehear Habeas Corpus Petition,” requesting a certificate of appealability, so he can file an appeal in the Tenth Circuit Court of Appeals (Doc. 27). Construing the motion liberally, *see Haines v. Kerner*, 404 U.S. 519 (1972), the Court considers the motion to be a timely notice of appeal. Therefore, the Clerk of Court is directed to forward the notice of appeal and this Order to the Tenth Circuit Court of Appeals.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. Petitioner’s Motion to Rehear Habeas Corpus Petition (Doc. 27) is construed as a timely notice of appeal.
2. The Clerk of Court is directed to forward the notice of appeal and this Order to the Tenth Circuit Court of Appeals.

ORDERED THIS 7th day of February, 2018.



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE